IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 328 of 2003

Between:

The Government Employees Cooperative Housing Society Ltd.
Nizamabad, rep. by its President, S.Vittal Reddy,

11-1-2/87, New NGO's Colony , Subhashnagar, Kanteshwar, Nizamabad

..... PETITIONER

AND

1 The District Collector
Nizamabad
2 The Mandal Revenue Officer
Nizamabad
3 The Director of Town and Country Planning
AC Guards, Hyderabad
4 B.Ganga Reddy son of Not known
Ex-Sarpanch, old NGO's Colony, Nizamabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus declaring the action of the respondent Nos.1 & 2 in not disposing off the representation of the petitioner society dt. 4/06/2002 for cancellation of assignment made in favour of the 4th respondent vide Proc.No.B6/21536/95, dt.17/11/1995, which is already allotted to the petitioner society and is being used as a road, as arbitrary and illegal.

Counsel for the Petitioner:MR.S.SATYAM REDDY

Counsel for the Respondent Nos.1 and 2: G.P. FOR ASSIGNMENT

Counsel for the Respondent No.3:

Counsel for the Respondent No.4:

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.328 OF 2003

ORDER:

The petitioner made a representation on 4.6.2002 to the District Collector requesting to cancel the allotment made in favour of fourth respondent in respect of the land admeasuring 100 sq. yards in S.No.398 398 of Kanteswar Village of Nizamabad Mandal. Alleging that the representation was not disposed of, present Writ Petition is filed.

Though interlocutory matters are listed, after hearing the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (Assignment), the Writ Petition is being disposed of.

It is the case of the petitioner that the District Collector by proceedings, dt.30.10.1967 allotted lands in S.Nos.385 to 398 of Kanteswar Village, Nizamabad Mandal, to petitioner and that lay out was got approved and that the land was allotted to members who are in possession of the land. It is also their case that when fourth respondent started construction of compound wall, petitioner filed a writ petition being W.P.No.9726 of 2000 in which the Mandal Revenue Officer filed a counter affidavit to the effect that the land admeasuring 100 Sq.yards in S.No.398 of Kanteswar Village was assigned to fourth respondent. Based on the said counter, the Writ Petition was dismissed. Therefore, petitioner filed a representation.

Though various grounds are raised in the Writ Petition, Ms.Hymavathi, representing Sri S.Satyam Reddy, learned counsel for the petitioner prays to dispose of the Writ Petition directing the District Collector to pass appropriate orders after considering representation dt.4.6.2002 made by the petitioner. There cannot be any objection for such direction.

The Writ Petition is therefore disposed of directing first respondent to consider the representation of the petitioner dt.4.6.2002 and pass appropriate orders after giving notice to fourth respondent. No costs.

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(V.V.S.RAO, J)

8.10.2004

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To

1 The District Collector
Nizamabad
2 The Mandal Revenue Officer
Nizamabad
3 The Director of Town and Country Planning
AC Guards, Hyderabad

4 2CCs to G.P. for Assignment, High Court Bldgs., Hyderabad (OUT)

5 2CD copies